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HOUSE BILL 400 By  
Chumney

SENATE BILL 476  
By Kyle

AN ACT to amend Tennessee Code Annotated, Title 62, to enact  
the "Electricians' Licensing Act of 2001".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, is amended by adding Sections 2  
through 13 as a new chapter thereto.

SECTION 2. The title of this act is and may be cited as the "Electricians' Licensing Act  
of 2001".

SECTION 3. Any person employed to perform electrical work shall be licensed pursuant  
to this act.

SECTION 4. As used in this act, unless the context otherwise requires:

(1) "Apprentice electrician" means any person whose principal occupation is the  
learning of and assisting in electrical work and is enrolled in a Bureau of Apprenticeship  
and Training (BAT) approved electrical apprenticeship program. All apprentices shall  
register annually with the state fire marshal. All apprentices shall have their pocket cards  
stamped quarterly by the apprenticeship coordinator;

(2) "Electric line work" means the installation, erection or repair of transmission  
and/or distribution lines and switchyards and switchyard equipment;

(3) "Electrical Helper" means any person whose occupation is the learning of and assisting in electric work. All electrical helpers shall be registered with the state fire marshal.

(4) "Electrical work" means the installation, erection or repair of electrical wires or conductors to be used for the transmission of electric light, heat, power or signaling purposes or to install or repair molding, ducts, raceways or conduits for the reception or protection of such wires, conductors or conduits or the installation, erection or repair of any electrical equipment, fixture, machinery apparatus or system to be used for electrical light, heat, power, or signaling purpose within or on public and private buildings, structures or premises such as yards, carnivals, parking and other lots and industrial substations;

(5) "Electrician" means any individual who possesses the necessary qualifications, training and technical knowledge to perform any type of electrical work except electric line work. An electrician shall be capable of doing such work in accordance with plans and specifications furnished in accordance with standard rules and regulations governing the work;

(6) "Lineman" means any individual who possesses the necessary qualifications, training and technical knowledge to perform electric line work. A lineman shall be capable of doing such work in accordance with plans and specifications furnished such lineman in accordance with standard rules and regulations governing the work;

(7) "Residential dwellings" means single family houses or apartment buildings not to exceed three (3) stories, town or row houses not to exceed three (3) stories, condominiums not to exceed three (3) stories, or multi-family houses.

(8) "Residential electrical work" means the installation, alterations or repair of electrical wire or conductors to be used for the transmission of the power used to

operate fixtures, appliances or equipment in a residential dwelling or the property of such dwelling; and

(9) "Residential Electrician" means any individual who possesses the necessary qualifications, training, and technical knowledge to perform residential electric work. He/she should be capable of doing such work in accordance with plans and specifications furnished him/her in accordance with standard rules and regulations governing the work.

SECTION 5. The provisions of this chapter shall not apply to the following:

(1) The construction, installation, maintenance, repair or renovation by any rural electric association or cooperative, or by any municipally-owned utility, of any transmission or distribution lines or facilities incidental to their business and covered under the National Electric Safety Code or other nationally recognized safety standards or any other such activity when performed by any duly authorized employee of any such association, cooperative or municipally-owned utility;

(2) Emergency repairs conducted by an electrical line contractor for any rural electric association or cooperative, or for any municipally-owned utility to restore power to customers subject to an unforeseen massive power outage;

(3) The construction, installation, maintenance, repair and renovation of telephone equipment, computer systems or satellite systems by a person, firm or corporation engaged in the telecommunications or information systems industry when such activities involve low-voltage work exclusively for communication of data, voice, or for other signaling purposes, including security systems and environmental control systems that are not an integral part of a telecommunications system;

(4) The construction, installation, maintenance, repair or renovation of any non-residential farm building or structure;

(5) The construction and manufacture of manufactured homes covered by the federal Manufactured Home Construction and Safety Standards;

(6) Any individual doing electrical work on his primary residence except as otherwise required by state law, regulations or local ordinances;

(7) Any holder of a state-issued heating, ventilation, air-conditioning and refrigeration or HVAC license may run line voltage power wiring, in compliance with the state electric code, from the disconnect box to an outdoor HVAC unit within a distance not to exceed ten (10) feet from any point of the HVAC equipment;

(8) Any employee of a hospital performing minor repairs or making minor alterations to existing electrical facilities during the normal performance of his duties with a hospital licensed by the board for licensing health care facilities;

(9) Any industrial electrical manufacturer, including the installation of such industrial electric manufacturer's product by employees of such manufacturer when installation of such product is a condition of the sale of the product;

(10) Employees of any company that does not provide electrical work or electrical maintenance work for others, who are employed to perform the electrical work necessary to repair and maintain the equipment and the premises of such company or to install new equipment on the premises of such company; or

(11) Any person registered as an engineer pursuant to Tennessee Code Annotated, Title 62, Chapter 2, Part 6.

(a) Any individual who desires a license as an electrician or lineman shall submit an application to the state fire marshal on a prescribed form. The application shall be accompanied by a non-refundable application fee as set by the state fire marshal and satisfactory proof that the applicant:

(1) Is at least 18 years of age; and

(2) Has served as an electrical helper under the full-time supervision of a licensed electrician or lineman for at least four (4) years.

(b) Any individual who desires a license as a residential electrician shall submit an application to the state fire marshal on a prescribed form. The application shall be accompanied by a non-refundable application fee as set by the state fire marshal and satisfactory proof that the applicant:

(1) Is at least eighteen (18) years of age; and

(2) Has served as an electrical helper under the full-time supervision of a licensed electrician or residential electrician for two (2) years.

(c) (1) The state fire marshal may require such other proof, through the application or otherwise, the state fire marshal shall deem appropriate to determine the honesty, trustworthiness, integrity, reputation and competency of the electrician, residential electrician, or lineman applicant.

(2) If the application is satisfactory to the state fire marshal, then the applicant is entitled to an examination to determine the applicant's qualifications. This examination may be written or oral. The state fire marshal is entitled to charge each applicant an examination fee for each written or oral examination. The written or oral examination shall be available in each grand division of the state.

(d)(1) The state fire marshal shall issue an appropriate license and pocket card to the following:

(A) Anyone who passes an approved examination; or

(B) Anyone who successfully completes a BAT electrical apprenticeship program.

(2) Such licensee shall be eligible to perform electrical work while employed by an electrical contractor in any county or municipality upon exhibiting to the appropriate local officials evidence of a current license and upon payment

of any local licensing fee. No county or municipality shall require such licensee to pass any county or municipal test or examination, nor shall a county or municipality impose any additional requirements upon such licensee, nor in any way discriminate against such licensee on the basis of the licensee's nonresidency within the county or municipality.

(e) With the exception of apprentice registrations, licenses and registrations shall be renewed biennially. A license and registration expire on the last day of the month of the second year of its issuance or renewal and becomes invalid on such date unless renewed.

(f) Renewal notices shall be mailed ninety (90) days before the expiration date of the license or registration. Such renewal must be received in the office of the state fire marshal thirty (30) days before the expiration of such license or registration.

(g) It is the duty of the state fire marshal to notify by mail every person licensed or registered pursuant to this chapter regarding the date of expiration of such person's license or registration and the fee required for its renewal for two (2) years. Such notice shall be mailed in accordance with this section.

(h) The fee to be paid for the renewal of a license and for the renewal of a license or registration after its expiration date shall be set by the state fire marshal.

SECTION 7. (a) Notwithstanding the examination requirements of Section 6, the state fire marshal shall issue a license and pocket card to an applicant who, prior to the effective date of this act, provides certification to the state fire marshal that such applicant has:

- (1) Satisfactorily completed a BAT-approved electrical apprenticeship program;
- (2) Completed a minimum of four (4) years electrical experience, prior to the effective date of this act, to receive an electrician or lineman license; completed a minimum of two (2) years electrical experience, prior to the effective date of this act, to receive a residential electrician license; or

(3) A current license as an electrician, lineman or residential electrician from the county or municipality where such person conducts business.

(b) Provided, if it is determined by the state fire marshal that any person falsified the application to obtain a license under this section, such person shall be required to take the examination required pursuant to Section 6.

SECTION 8. (a) Any person who engages or offers to engage in electrical work without a license or registration as required by Section 3 of this act, or who violates the terms and conditions of any registration, license or renewal granted pursuant to this part by the state fire marshal, is guilty of a Class C misdemeanor. Any fine imposed shall be paid on the date sentence is imposed unless the court makes an affirmative finding that the defendant lacks a present ability to pay. The court shall then order a date certain before which payment shall be made. Should the defendant fail to comply with the order of the court, the clerk shall notify the court of such failure for further proceedings.

(b) Any third or subsequent violations shall be punishable as a Class A misdemeanor.

(c) For the purposes of this section, a person whose convictions occur more than ten (10) years apart shall not be considered a multiple offender and the penalties imposed upon multiple offenders by the provisions of subsection (b) do not apply to such person.

SECTION 9. The state fire marshal is authorized to promulgate necessary rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, to implement the provisions of this act. The rules shall include the requirement of a required ratio of not more than two (2) helpers to each electrician or lineman, and three (3) electrical helpers to each residential electrician or electrician installing residential electrical work.

SECTION 10. Nothing in this act shall be construed as prohibiting a person from also being required to be licensed as a general contractor if such person performs or offers to perform more than twenty-five thousand dollars (\$25,000) of electrical work pursuant to Section 62-6-103.

SECTION 11. The state fire marshal shall set fees for licensure of registration. The state fire marshal shall set such fees in an amount sufficient to pay the cost of implementing the provisions of this act.

SECTION 12. The state fire marshal is hereby authorized to contract with testing services to perform the examination requirements prescribed by this act. The state fire marshal is hereby directed to offer at least one (1) examination in each grand division of the state.

SECTION 13. The state fire marshal shall refer any alleged violation of this act to the office of the district attorney in the county where such violation may have occurred. A citizen may file an action in the general sessions court of the county where such alleged violation occurred. A copy of such action shall be sent to the office of the district attorney of such county. The office of such district attorney shall prosecute such action unless the office of district attorney determines such action is without merit. The electrical inspector shall have the authority to check individual licenses and registrations.

SECTION 14. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2001, the public welfare requiring it.